

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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No. 1:13-cv-07789-LGS

**DECLARATION OF MICHAEL E. CRIDEN
IN SUPPORT OF LEAD COUNSEL'S MOTION
FOR AN AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES
FILED ON BEHALF OF CRIDEN & LOVE, P.A.**

I, Michael E. Criden, declare as follows:

1. I am a partner at the law firm of Criden & Love, P.A. ("C&L"). C&L has acted as counsel to Plaintiffs in this action. I am submitting this declaration in support of Lead Counsel's application for an award of attorneys' fees and expenses in connection with services rendered and expenses incurred in this action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. C&L, at the direction of lead counsel, assisted in drafting and revising the Second Consolidated Amended Complaint ("SCAC"). In connection with drafting the SCAC, we collaborated with other members of Plaintiffs' counsel, our experts and experienced trading clients, Plaintiffs Smith, Federighi and Antonello, to analyze and generate various theories of the case. Moreover, C&L engaged in vetting our clients as well as other potential class representatives, which included organizing and analyzing trading statements and completing Plaintiff questionnaires. We also participated in the drafting of data requests regarding futures and options

EXHIBIT 23

transactions. Furthermore, C&L undertook extensive coding assignments as directed by lead counsel for both Plaintiffs' and Defendants' documents. With respect to the Defendants' document review assignments, we reviewed various communications and internal documentation and drafted memoranda summarizing those documents. C&L regularly engaged in communications with Plaintiffs Smith, Federighi and Antonello to provide case updates and to answer questions. We additionally assisted in deposition preparation for our clients.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time spent by attorneys and professional support staff of my firm who were involved in, and billed ten or more hours to, this action, and the lodestar calculation for those individuals based on my firm's current billing rates. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. Time expended in this litigation after December 31, 2017 has not been included in this request. Time expended on the application for attorneys' fees and reimbursement of litigation expenses has also been excluded.

4. The hourly rates for the attorneys and professional support staff of my firm included in Exhibit 1 are the same as the regular rates charged for their services in non-contingent matters and/or which have been accepted in other complex or class action litigation, subject to subsequent annual increases.

5. The total number of hours reflected in Exhibit 1 is 8,132.90. The total lodestar reflected in Exhibit 1 is \$3,359,195.00, consisting of \$3,359,195.00 for attorneys' time and \$0.00 for professional support staff time.

6. My firm's lodestar figures are based on the firm's billing rates, which do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates.

7. As detailed in Exhibit 2, my firm is seeking reimbursement for a total of \$63,843.35 in litigation expenses incurred in connection with the prosecution of this action through and including December 31, 2017.

8. The litigation expenses reflected in Exhibit 2 are the actual incurred expenses or reflect “caps” based on application of the following criteria:

- (a) For out-of-town travel, airfare is at coach rates.
- (b) Hotel charges per night are capped at \$350 for large cities (London, United Kingdom; Chicago, IL; Washington, DC; and New York, NY) and \$250 for all other cities.
- (c) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.
- (d) Internal copying is charged at \$0.10 per page.
- (e) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with this litigation. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

9. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

10. My firm has reviewed the time and expense records that form the basis of this declaration to correct any billing errors. In addition, my firm has removed all time entries and expenses related to the following activities if not specifically authorized by Lead Counsel: reading

or reviewing correspondence or pleadings, appearances at hearings or depositions, and travel time and expenses related thereto.

11. Attached hereto as Exhibit 3 are brief biographies of my firm and all attorneys for whose work on this case fees are being sought.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed on January 3, 2018.



MICHAEL E. CRIDEN

EXHIBIT 1**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BENCHMARK RATES ANTITRUST	:	No. 1:13-cv-07789-LGS
LITIGATION	:	
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**CRIDEN & LOVE, P.A.
TIME REPORT****Through December 31, 2017**

NAME	HOURS	HOURLY RATE	LODESTAR
Partners			
Criden, Michael E.	263.00	\$700.00	\$184,100.00
Associates			
Grossman, Lindsey C	521.75	\$350.00	\$182,612.50
Staff Attorneys			
Aluko, Seye B.	2119.75	\$425.00	\$900,893.75
Faris, Armond J.	1833.50	\$425.00	\$779,237.50
Schoenthal, Peter	1739.75	\$350.00	\$608,912.50
Sonko, Fatou	1655.15	\$425.00	\$703,438.75
Paralegals			
TOTALS	8,132.90		\$3,359,195.00

EXHIBIT 2**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LITIGATION	:	
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**CRIDEN & LOVE, P.A.
EXPENSE REPORT****Through December 31, 2017**

CATEGORY	AMOUNT
Online Legal Research	\$109.30
Document Management/Litigation Support	\$19.25
Telephones/Faxes	\$173.72
Postage & Express Mail	\$79.98
Internal Copying	\$1,245.40
Out of Town Travel*	\$6,478.72
Meals*	\$736.98
Contributions to Litigation Fund	\$55,000.00
TOTAL EXPENSES:	\$63,843.35

* Out of town travel includes hotels in the following cities capped at \$350 per night: London, United Kingdom; Chicago, IL; Washington, DC; and New York, NY; all other cities are capped at \$250 per night. All meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.

EXHIBIT 3

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**CRIDEN & LOVE, P.A.
FIRM RÉSUMÉ AND BIOGRAPHIES**

CRIDEN & LOVE, P.A. is a litigation firm that devotes a substantial amount of its practice to antitrust and consumer fraud class action litigation, securities and broker misconduct litigation and complex commercial litigation. A brief biography on the attorneys in the Firm is set forth below.

Michael E. Criden attended Temple University and Florida International University and graduated with highest honors, received his law degree from the University of Miami, also with honors, and was admitted to the Florida Bar in 1987. Mr. Criden is nationally recognized in the field of securities arbitration. On behalf of approximately three thousand individual investors, Mr. Criden has recovered over \$100 million. Mr. Criden also has considerable experience in securities and other class actions involving consumer fraud matters. *See, e.g., Davis v. Prudential Securities, Inc.*, 59 F.3d 1186 (11th Cir. 1995). In addition, Mr. Criden was co-lead counsel in *Shea v. New York Life Ins. Co.*, Case No. 96-0746-Civ-Nesbitt (S.D. Fla.), wherein investors in limited partnerships received a full refund of their investment, nearly \$200 million.

Below is a list of just some of the antitrust cases that Mr. Criden has been involved in: *In re: Chocolate Confectionary Antitrust Litigation*, MDL No. 1935 (M.D. Pa.); *In re: Air Cargo Antitrust Litigation*, No. 06-md-1775 (E.D.N.Y.); *In re: Blood Reagents Antitrust Litigation*, No. 09-2081 (E.D. Pa.); *In re: Refrigerant Compressors Antitrust Litigation*, No. 09-md-2042 (E.D. Mich.); *In re: Processed Eggs Products Antitrust Litigation*, MDL No. 2002 (E.D. Pa.); *In re: Libor-Based Financial Instruments Antitrust Litigation*, MDL No. 2262 (S.D.N.Y.); *In re: Optical Disk Drive Antitrust Litigation*, No. 10-md-2143 (N.D. Cal.); *In re: Photochromic Lenses Antitrust Litigation*, MDL No. 2173 (M.D. Fla.); *In re: Rail Freight Fuel Surcharge Antitrust Litigation*, MDL No. 1869 (D.D.C.); *In re: Titanium Dioxide Antitrust Litigation*, No. 10-318 (D. Md.); *In re: Tricor Direct Purchaser Antitrust Litigation* No. 05-240 (D.Del); *In re: DDAVP Indirect Purchaser Litigation*, No. 05-2237 (CLB) (S.D.N.Y.); *In re: Ovcon Indirect Purchaser Litigation*, Case No. 05-2327 (D.D.C.) (Lead Counsel); *In re: Dental Supplies Antitrust Litigation*, No. 16-696 (E.D.N.Y.); *In re: Puerto Rican Cabotage Antitrust Litigation* (Steering Committee); *In re: Bananas Antitrust Litigation*, No.: 05-21962 (S.D. Fla.) (Executive Committee); *In re: Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.) (Steering Committee); *In re: Vista Healthplan, Inc. v. Cephalon, Inc.*, 06-1833 (E.D. Pa.) (“Provigil Antitrust Litigation”) and *In re: Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-7789 (S.D.N.Y.).

Lindsey C. Grossman is an associate with the firm. Prior to joining the firm, Lindsey worked at Grossman & Roth, P.A., focusing on commercial and complex litigation. In 2010, she graduated with a B.A. in Philosophy, Politics & Law from Binghamton University in New York. Lindsey moved to Miami to attend the University of Miami School of Law, graduating *cum laude* in 2013. During law school, Lindsey served on the International & Comparative Law Review.

She also served as a judicial intern for the Honorable Edwin G. Torres in the United States District Court for the Southern District of Florida.

Seye B. Aluko is a staff attorney with the firm. Seye received his Juris Doctorate from the University of Miami in 2008 and his Bachelor of Science from Howard University in 2004. Seye's career has focused mainly on consumer protection, antitrust, and privacy law. Seye has worked regularly on cases involving the Department of Justice, the Consumer Protection Financial Bureau, and other governmental agencies. Prior to working with Criden & Love, P.A, Seye worked as In-House Counsel at the Embassy of Nigeria in Washington, D.C., where he handled various contract, real estate, and intellectual property matters on behalf of the Embassy. He is licensed to practice in Maryland, DC, and Florida.

Armond J. Faris is a staff attorney with the firm. Born and raised in Seattle, Washington, Armond graduated from the University of Washington in 2004 with a BA in Political Science. After briefly working in state government, he enrolled at the University of Miami in Coral Gables, Florida. While in law school, he participated in the Litigation Skills Program in addition to interning with the Miami-Dade Public Defender, and the Juvenile Justice Center. Armond graduated from the University of Miami in 2008, whereupon he began practicing law in the New York/New Jersey area. He has extensive experience in Antitrust litigation, Worker's Compensation law, Insurance Defense in addition to many other areas. He is a member in good standing of the New York and New Jersey Bar.

Fatou Sonko is a staff attorney with the firm. Her legal background includes Antitrust Litigation, Bankruptcy, Patent Litigation and Social Security law. Fatou graduated from Howard University in 2007 with a Bachelor of Science in Psychology. She subsequently received her Juris

Doctor degree from the University of Miami School of Law (FL) in 2012. Fatou is a member of the bar in both Florida and Maryland.

Peter Schoenthal is a staff attorney with the firm. Peter is an experienced trial attorney who has handled criminal and civil cases. In 2012, Peter embarked on his career as a local criminal defense attorney at the Miami-Dade Public Defender's Office. Peter earned his reputation by excelling in the courtroom and his penchant for winning difficult cases. Peter received a Bachelor of Science in Political Science and Sport Management from Florida State University where he was a Dean's List student. He received his Juris Doctorate from the University of Miami where again he excelled as a Dean's List student, and received honors in Litigation Skills. He is a member of The Florida Bar and the Florida Association for Criminal Defense Lawyers.